



Mozambique

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Mozambique's constitutional Government, headed by President Joaquim Chissano, held its second general multiparty elections in 1999. President Chissano was reelected in generally free and fair elections that were marred by some irregularities that did not impact the results. His party, the Front for the Liberation of Mozambique (FRELIMO), won 133 seats in the 250-seat Assembly of the Republic, and the remaining 117 seats went to the opposition coalition of the Mozambique National Resistance-Electoral Union (RENAMO-UE). Chissano and the leadership of FRELIMO, which have ruled the country since independence in 1975, dominate policymaking and implementation. The Assembly is a multiparty parliament that provided useful debate on national policy issues and generated some proposals independently. During legislative sessions, the Assembly influenced the executive branch on some policy issues, and RENAMO had some limited influence on the executive. The Constitution provides for an independent judiciary; however, the executive branch dominated the judiciary, which lacked adequate resources, was chronically understaffed, was susceptible to corruption, and largely was ineffectual.

The forces responsible for internal security under the Ministry of Interior include: The Criminal Investigation Police (PIC), the Mozambican National Police (PRM), and the Rapid Intervention Police (PIR). The State Information and Security Service (SISE) reported directly to the President. The military continued to suffer from lack of funds and a long-term strategy. Many former military personnel of various ranks worked in other government security forces. The PIC, PRM, and PIR legally were under the control of the civilian Government; however, at times local police acted in contravention of the guidelines established by the civilian authorities. The political opposition claimed that the PIR operated in support of the ruling party. Members of the security forces committed numerous serious human rights abuses.

The country is very poor; its population was an estimated 17 million according to the 1997 census. Approximately 80 percent of the population were employed in agriculture, mostly on a subsistence level, and approximately 75 percent of the population lived in poverty. The gross domestic product (GDP) was approximately \$4.84 billion in 2001, an increase of 14.8 percent from 2000. The economy and the government budget remained heavily dependent on foreign aid. Annual per capita income was \$245. High unemployment and underemployment in the formal and informal sectors continued. Corruption continued to be a problem in the public and private sectors. Economic indicators for the second half of 2001 and the first half of the year showed some strengthening of the economy.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Police continued to commit numerous abuses, including unlawful killings, excessive use of force, and other abuses. Occasional mob violence resulted in several deaths. Police officers beat persons in custody, and abused prostitutes and street children. During the year, the League of Human Rights (LDH), a local nongovernmental organization (NGO), noted that the human rights situation in general had improved in a few areas, such as unlawful killings; however, police corruption, brutality, and intimidation; labor strife, and other societal concerns continued. Prison conditions remained extremely harsh and life threatening; several prisoners died due to the harsh conditions. Police continued to use arbitrary arrest and detention, and lengthy pretrial detention was common. Fair and expeditious trials were problematic due to an inefficient, understaffed, and underfunded judiciary, which was dominated by the executive and subject to corruption. There were reports of some infringements on the right to privacy. The Government generally respected freedom of the press; however, news coverage by media outlets owned by the Government and state enterprises was influenced by members of the ruling party. An amended law provides for freedom of assembly with some restrictions; the Government forcibly dispersed at least one demonstration during the year. Both the Government and the law imposed some limits on freedom of association. The Government at times infringed on freedom of movement. Domestic violence against women, as well as widespread discrimination against women in employment and property rights, remained

problems. The abuse and criminal exploitation of street children, including child prostitution, increased in urban areas. Discrimination against persons with disabilities and child labor remained problems. Unlike in the previous year, there were no confirmed reports that women or children were trafficked to South Africa or Swaziland for prostitution. Mozambique was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There continued to be reports of unlawful killings by security forces. For example, in February police officer Bernardo Parafino shot and killed Gildo Gerente, who was handcuffed, after attempting to flee from police. Reportedly Gerente did not have a valid driver's license and was driving his mother's vehicle without permission. The police force expelled Parafino, and he was detained on charges of murder.

Also in February, police killed teenager A. Matusse while firing their weapons at robbery suspects. Matusse was helping a couple that was being attacked by robbers when police fired their weapons killing her. The killing was attributed to the general poor training of the police. No charges were filed against the responsible officer.

In September rioting broke out in Nova Sofala when a police officer shot and killed a man over a small debt. The victim, Mr. Antonio Maquiqui, allegedly owed his servant \$9, and he reportedly evaded police on numerous occasions and did not respond to their summons. When confronted by police, Maquiqui reportedly resisted arrest and was shot and killed by a policeman; however, local residents insisted that the killing was intentional and that there was no attempt by the victim to resist arrest. The policeman was beaten by the mob and was in a coma at year's end.

On October 12, Policeman Jose Fumo shot and killed a 17-year-old student, Mario Alfredo. Fumo had left his post at the Maputo City Police Command to investigate a group of students who were having a heated argument. He attempted to restore order by firing into the crowd and killed Alfredo. Fumo was in custody at year's end and was charged with manslaughter.

There were no developments, nor were any expected, in the following 2001 cases: The January police killing of Salomao Ubisse; the March killings of Edmundo Jaime and Neto Luis Neves by prison guards; the April death in custody of Caetano Joaquim Chapepa; and the October death in custody of Fernando Santos.

No action was taken, nor was any likely, against the members of the security forces responsible for the following 2000 cases: The police killing of six persons in Aube; and the alleged pattern of execution-style killings by police in Marracuene; RENAMO party officials Eduardo Foa, Ricardo Moaine, and Geraldo Carvalho; Tomas Paulo Nhacumba and Gildo Joaquim Bata; Emidio Raul Nhancume; and Eliseu Geraldo Muainga.

Extremely harsh prison conditions, often leading to serious illness, continued to result in the deaths of several persons in custody (see Section 1.c.). Unlike in the previous year, there were no reports that torture led to deaths in custody.

The Government continued to cooperate with international organizations in demining efforts during the year to remove the hundreds of thousands of mines planted between 1960 and 1990. According to the National Demining Institute (IND), 224 persons were killed in landmine accidents between 1997 and the end of the year. According to IND, landmine incidents continued to decline; eight persons were killed and seven were injured in landmine accidents during the year.

A local human rights organization, Association for Human Rights and Development (DHD), criticized the Government's failure to reveal publicly the names of more than 100 detainees in Montepuez who reportedly died of asphyxiation in their cells in 2000, which prevented relatives of the victims from seeking compensation (see Section 1.c.). According to DHD, this contravened Article 87 of the Constitution, which states that the "State shall be held accountable for the illegal acts committed by its agents in the exercise of their duties." Two jail officials were serving prison terms for homicide.

In 2000 as many as 54 persons were killed during violence related to rallies and marches held throughout the

country to protest the outcome of the 1999 elections (see Sections 1.c., 1.d., 1.e., and 2.b.). The total number of persons killed remained in dispute among human rights groups, the opposition, and the National Assembly. The National Assembly established a bipartisan Parliamentary Commission of Inquiry to investigate the violence surrounding the demonstrations and the subsequent deaths in custody. The ad hoc parliamentary commission investigating the incidents concluded its work in September 2001. RENAMO raised a series of objections to the content of the report, which it did not regard as the result of a truthful fact-finding mission. The release of the report has been postponed indefinitely. An appeal of the 2001 convictions of five RENAMO leaders of the Montepuez demonstrations was pending at year's end.

No action was taken, nor is the Government likely to take any action, against police in Nampula province or Balama District, Cabo Delgado, who killed and injured unarmed demonstrators in 2000.

Occasional mob and vigilante killings continued in both urban and rural areas due to general public frustration with the rising incidence of crime. During the year, unconfirmed reports of mob violence resulting in the deaths of suspected criminals were widespread throughout the country.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution expressly prohibits such practices; however, the police continued to commit serious abuses, and torture, beatings, death threats, physical and mental abuse, and extortion remained problems. During the year, the LDH reported complaints of torture, including several instances involving the sexual abuse of women, beating, illegal detention, and death threats. In September the LDH reported that the number of reported abuses had declined again during the year.

Unlike in the previous year, there were no reports that persons were tortured to death in custody.

Corruption in the police forces extended throughout the ranks, and the PRM used violence and detention to intimidate persons from reporting abuses.

Journalists continued to report that police extorted money from street vendors, many of whom were widowed or divorced women, sometimes beating the women, and often stealing their merchandise. There also were reports that police abused prostitutes and street children (see Section 5).

The national budget allocated more funding for the hiring and training of police, as well as for higher salaries. In 2000 a new 4-year police service academy opened, which provides college-level training to police officers in the mid-ranks and higher. Human rights training was provided for security officers, with human rights groups like the DHD teaching some of the courses; however, the training was not mandatory.

There was no investigation, nor was any likely, into the reported torture in custody of Tomas Paulo Nhacumba and Gildo Joaquim Bata in 2000 (see Section 1.a.).

The rapid intervention police used force to disperse demonstrations by former East German workers on at least one occasion (see Section 2.b.).

Unlike in the previous year, there were no reports of political violence between FRELIMO and RENAMO supporters.

In 2000 violence occurred in at least 15 of the more than 60 demonstrations held throughout the country by RENAMO to protest the outcome of the 1999 elections; approximately 200 persons were injured in the violence (see Sections 1.a., 1.d., 1.e., and 2.b.).

The Government has not taken action, nor was it likely to take action, against the responsible police officers who tortured detainees in custody in previous years.

Prison conditions in most of the country were extremely harsh and life threatening. Most prisoners received only

one meal per day, consisting of beans and flour. It has been customary for families to bring food to prisoners; however, there were sporadic reports that guards demanded bribes in return for allowing the delivery of food to the prisoners.

Prison facilities remained severely overcrowded, generally housing four to six times the number of prisoners that they were built to accommodate. During the year, the National Association for the Support and Protection of Prisoners (ANASCOPRI), a domestic NGO, stated that Beira Central Prison held 705 inmates in a prison built to hold 400; Manica held 608 in a prison built to hold 200; and Tete held 540 in a prison built to hold 150. Inhambane Provincial Prison held 199 in a prison built to hold 99; Nampula held 724 in a prison built for 100; Cabo Delgado held 338 in a prison built for 100; Gaza held 222 in a prison built for 100; Niassa held 356 in a prison built for 100; and Zambezia held 446 in a prison built for 150. Maputo Central Prison, built to hold 800 inmates, held 2,450 inmates. However, the Maputo Machava Maximum Security Prison, with a capacity of 600, held considerably less than that. Approximately 4,465 detainees were held in jails and prisons administered by the Ministry of Justice during the year, and approximately 2,681 sentenced prisoners were incarcerated. The Ministry of Interior did not provide any data on the number of prisoners held in their two facilities by year's end.

There continued to be many deaths in prison, the vast majority due to illness and disease.

Two National Directorates of Prisons (DNPs), one under the Ministry of Justice (MOJ) and the other under the Ministry of Interior (MOI), operated prisons in all the provincial capitals. The DNPs also hold prisoners at an agricultural penitentiary in Mabalane and industrial penitentiaries in Nampula and Maputo.

In MOI facilities, detainees who have not yet been charged were held with prisoners sentenced for serious offenses that specify maximum security. Detainees who have not been charged usually were held for longer periods than the 48 hours permitted under the law. In MOJ facilities, detainees who have been charged but not yet tried are held with prisoners who have been tried and sentenced to prison for relatively minor cases where moderate security imprisonment was deemed sufficient. Pretrial detainees usually were held for several months before trial, and delays of more than 1 year were common. MOI and MOJ facilities, while separate, often were connected physically. Military and civilian prisoners were held in the same prisons.

Women were held in separate areas of prisons from men. At times prisons house young children, usually infants, brought there by mothers sentenced for long periods; the children were allowed to stay with their mothers when no other caregivers were available.

Minors were incarcerated with adult inmates; however, there were fewer reports of minors held in detention than in previous years. According to a study by the MOJ and the U.N. Development Program (UNDP) in 2001, approximately 3 percent of prisoners were between the ages of 13 and 15, and more than 39 percent of prisoners were between the ages of 16 and 20.

International as well as domestic human rights groups may have access to prisoners at the discretion of the MOJ and MOI; however, officials sometimes cited unsanitary conditions or security risks as reasons to delay or cancel visits. During the year, the LDH visited several jails and prisons in the Maputo area and in the provinces. ANASCOPRI also conducted several prison visits during the year, despite a lack of funding to carry out such programs. The LDH stated that while prison access and conditions had improved, the overall level of treatment was poor. The access of priests and imams into the prisons improved, and prisoners were able to practice their faith while incarcerated. During the year, the Government invited the LDH to conduct training for prison monitors who were expected to be in charge of finding out the legal needs of detainees. Dr. Cauio of the Bar Association stated that, during prison visits this year, there was an unacceptable level of overcrowding and most prisoners received only one meal per day.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that the duration of investigative detention be set by law; however, the police continued arbitrarily to arrest and detain citizens in practice. Under the law, the maximum length of investigative detention is 48 hours, during which time a detainee has the right to have judicial authorities review his case, after which he can be detained up to another 60 days while the case is investigated by the PIC. In cases where a person is accused of a very serious crime carrying a sentence of more than 8 years, he may be detained up to 84 days without being charged formally. If a court approves, such detainees may be held for two more periods of 84 days each without charge while the police complete the investigative process. The law provides that if the prescribed period for investigation has been completed, and no charges have been brought, the detainee must be released. In many cases, the authorities either were unaware of these regulations or ignored them, often also ignoring a detainee's

constitutional right to counsel and to contact relatives or friends.

The media reported and many persons complained that security officials often detained them for spurious reasons and demanded identification documents; many officers also extorted bribes to permit persons to continue their travel (see Section 2.d.). Many victims lived in areas where there was no notary public available to validate their documents. Many victims chose not to seek police assistance because of their usual demand for bribes or a lack of confidence that the police would help.

Most citizens also were unaware of the rights provided by the Constitution, the law, and the Penal Process Code. As a result, detainees could spend many weeks, months, and even years in pretrial status. The bail system remained poorly defined, and prisoners, their families, and NGOs continued to complain that police and prison officials demanded bribes to release prisoners.

Unlike in the previous year, there were no reports that police detained journalists (see Section 2.a.)

On May 1, police detained Mario Vitorino after forcibly dispersing a demonstration and held him for 4 months without charge (see Section 2.b.).

In 2000 police detained 457 RENAMO members and supporters during more than 60 rallies and marches to protest the outcome of the 1999 elections; there were reports that police beat and tortured detainees in custody (see Sections 1.a., 1.e., and 2.b.). FRELIMO and RENAMO established a working group to examine, among other matters, the cases of the detained demonstrators; the bipartisan working group on the demonstrations was disbanded in April 2001 when RENAMO leader Dhlakama withdrew from the RENAMO-Government dialog process (see Section 1.a.). The parliamentary commission investigating the 2000 demonstrations completed its work in September 2001; however, the release of the report was postponed indefinitely.

Under the Penal Process Code, only persons caught in the act of committing a crime can be held in detention. Justice Ministry officials noted that some police lacked adequate training and did not know how to charge a person properly. A detainee could be subjected to indefinite detention. In 2000 the Government created an interministerial review committee to continue the process of reviewing the cases of detainees who had served their time or were in detention illegally, and the committee periodically reviewed the status of detainees throughout the country to prevent unnecessary detentions. During the year, ANASCOPRI reported that one minor was released as a result of this review committee.

Drug cases were subject to a special regime. The law specifies that the legal period of investigative detention in drug trafficking cases is 10 days. The same law authorizes a long period of investigation--up to 9 months--in cases involving drug smuggling, drug production and transfer, and criminal association.

The Constitution prohibits exile, and the Government did not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however the executive, and by extension the FRELIMO party, continued to dominate the judiciary, which is understaffed and manned by inadequately trained appointees. The DHD report on human rights conditions released in June 2001 and this year's draft report specifically emphasized problems of the judiciary (see Section 4).

The President appoints the president and vice president of the highest tribunal, the Supreme Court. Supreme Court nominations initially are prepared by the Higher Judicial Magistrate's Council (CSMJ), the body responsible for overseeing professional behavior among magistrates, then a list of qualified persons for the Supreme Court is submitted to the President. CSMJ members are elected by their peers, four are elected by the National Assembly and two are appointed by the President; members tended to be either FRELIMO members or FRELIMO-affiliated. No Assembly approval is needed for other judicial appointments, which are also appointed by the President.

There are two complementary formal justice systems: The civil/criminal system and the military system. Civilians are not under the jurisdiction of, or tried in, military courts. The law empowers the Supreme Court to administer the civil/criminal system; the court also hears appeals, including military cases, although the Ministry of National Defense administers the military courts. Below the Supreme Court there are provincial and district courts. There also are courts that exercise limited, specialized jurisdiction, such as the administrative court and customs court. Although the Constitution permits the establishment of a fiscal court, maritime court, and labor court, none have

been established. The Constitution called for the creation of a constitutional court, but the Government has not yet passed implementing legislation. In the absence of this body, the Supreme Court is tasked with ruling on issues of constitutionality, as it did when assessing the eligibility of presidential candidates for the 1999 general elections. Persons 16 years and younger fall under the jurisdiction of a court system for minors. Through this legal channel, the Government can send minors to correctional, educational, or other institutions. As with the provincial and district courts, the specialized and minor court systems were ineffective due to a lack of qualified professionals.

Outside the formal court system, a number of local customary courts and traditional authorities adjudicated matters such as estate and divorce cases. These courts were staffed by respected local arbiters who had no formal training but who exercised a substantial judicial and executive role, particularly in the area of arbitration.

Persons accused of crimes against the Government were tried publicly in regular civilian courts under standard criminal judicial procedures. The law provides definitions of crimes against the state, such as treason, terrorism, and sabotage. The Supreme Court has original jurisdiction over members of Parliament and other persons who are immune from trial in the lower courts.

A judge may order a closed trial because of national security interests or to protect the privacy of the plaintiff in cases concerning sexual assault.

In regular courts, all accused persons in principle are presumed innocent and have the right to legal counsel and the right of appeal; however, authorities did not always respect these rights. The great majority of the population either was unaware of these rights or did not possess the means to obtain any form of legal counsel. Although the law specifically provides for public defenders, such assistance generally was not available in practice, particularly in rural areas. Some NGOs, such as the LDH, the Government's National Institute for Legal Assistance, and the Mozambican Association of Women in Judicial Careers, continued to offer limited legal counsel at little or no cost to both defendants and prisoners.

A lack of licensed attorneys exacerbated the judicial system's weakness. There were an estimated 240 licensed attorneys in the country; the vast majority worked in Maputo. The number of law school programs at public and private universities continued to increase. There continued to be a shortage of qualified judicial personnel, with only 163 judges nationwide. There are appeals courts in all provinces, but few of these courts were staffed by formally trained judges, despite the fact that the law requires a law degree. Some districts had no formal courts or judges at all.

DANIDA, a Danish NGO, worked with the Ministry of Justice and the Supreme Court on judicial legislation, as well as funding physical rehabilitation of courts throughout the provinces. During the year, the UNDP worked with LDH on legal reform and the training of prison personnel in proper procedures when handling prisoners.

Justice Mangaze presided over the CSMJ, which has expelled 27 judges for corruption since 1995. During the year, the CSMJ initiated disciplinary actions, which may include expulsion, against eight judges. A law allows for faster implementation of CSMJ decisions affecting judges who appeal charges of misconduct, thus removing them from the bench more swiftly. Bribe-taking, chronic absenteeism, unequal treatment, and deliberate delays and omissions in handling cases continued to be problems during the year.

The Penal Process Code contains legal guidelines for the judicial treatment of minors and forbids the imprisonment of minors below the age of 16; however, there were documented reports that some judges ordered the incarceration of minors in common prisons without trial and that minors under the age of 16 were housed with adults in the general population (see Section 1.c.). In most areas of the country, it is difficult to assess accurately age because the information was not well documented and many persons do not have identification cards.

There were no confirmed reports of political prisoners; however, RENAMO continued to claim that all persons held in connection with the 2000 nationwide demonstrations were political prisoners, and continued to consider those convicted and sentenced also to be political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. By law police need a warrant to enter homes and businesses.

The Government did not take any action and was unlikely to take any action to discipline customs agents who

allegedly conducted illegal searches in Maputo in 2000.

Opposition political groups claimed that government intelligence agencies monitored telephone calls, conducted surveillance of their offices, followed the movements of opposition members, used informants, and attempted to disrupt party activities. During the year, there were reports that the Rapid Intervention Police were employed to disrupt opposition gatherings in several provinces (see Section 2.b.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, limitations on these rights were permitted if they related to the media's obligations to respect the Constitution, human dignity, the imperatives of foreign policy, or national defense.

There were four independent weekly newspapers published in Maputo, and six other independent weekly journals published in provincial capitals. According to the Panos Institute, the 10 weekly newspapers had a combined total circulation of 50,910. There were an additional 20 periodicals with a combined circulation of approximately 34,000. There were 6 periodicals that transmitted daily editions electronically, with a combined subscription of more than 1,500. The second oldest faxed daily, *Imparcial*, was owned by RENAMO. Several independent media had websites. Only a small minority of the population received news directly through the print media.

Media ownership was diverse. The U.N. Educational, Scientific, and Cultural Organization (UNESCO) Media Project estimated that 34 percent of the country's media were public (government-controlled), 36 percent were private commercial, and 28 percent were private nonprofit (church-affiliated); however, the public category included the country's only daily newspapers, the only Sunday newspaper, and the only weekly newsmagazine. Two progovernment newspapers--*Noticias* and *Domingo*--together with a third sports-oriented weekly were owned by a single corporation, *Noticias Limited*, in which state-owned enterprises and FRELIMO members hold majority shares. *Diario de Mocambique*, published in Beira, and *Noticias*, published in Maputo, were the only daily newspapers. *Diario de Mocambique* is owned by the Commercial News Society of Beira, in which FRELIMO officials owned majority shares. FRELIMO officials also owned *Noticias*, and it often was accused of being progovernment. All media evidenced consistent bias in favor of their shareholders. The newspapers continued pushing for reform of the justice system, for renewed efforts to fight corruption, and to reform public service.

Noticias, *Domingo*, and *Diario de Mocambique* largely reflected the views of individuals in the ruling party, but these media sources also carried significant criticism of government actions. During the year, several newspapers published articles that were critical of the Government, including *Domingo*, a weekly newspaper closely aligned with FRELIMO. In October *Domingo* openly criticized the Minister of the Interior and called for his removal due to remarks that he made regarding the prison escape of the prime suspect in the murder of journalist Carlos Cardoso. The suspect, known as Anabalzinho, was reported to have escaped from the Maximum Security Prison. The article also suggested that the escape might have happened with the knowledge of certain prison officials. Subsequent articles in several newspapers reported on allegations made by the defendants at their trial that President Chissano's son, Nhypine Chissano, was involved in the planning of the crime.

While the Government no longer owned most radio and television stations, government stations were the only broadcasters capable of countrywide transmission; however, there were local and independent broadcasts in most urban areas. Government media were showing greater transparency in reporting and some independence of editorial content. Radio Mozambique, the public's most important source of information, was government-owned; however, its news coverage generally was considered unbiased and fair. Radio Mozambique received the largest single subsidy from the state budget of any public media company. It broadcast in Portuguese and 18 indigenous languages; its external service broadcast in English as well as in Portuguese for citizens in neighboring South Africa. Radio Mozambique regularly broadcast public debates that included a variety of participants with differing opinions.

In addition to Radio Mozambique, there were 14 community-based (supported by UNESCO and the Government), 4 religious, and 11 commercial private radio stations, most of which used local languages in addition to Portuguese and which cover most of the country. One station, Radio Terra Verde (RTV), was linked directly to RENAMO. RTV was second only to Radio Mozambique's youth-oriented Radio Cidade in popularity, outside of broadcast times for soccer matches. Foreign radio programs, including the British Broadcasting Corporation (BBC), Radio France International (RFI), Radio Diffusao Portugal (RDP) Africa, and the Voice Of America (VOA), reached all major population centers and reported local news via Mozambican-based part-time reporters; the BBC and the RFI

carried news in Portuguese but broadcast most of the day in English and French, respectively.

TV Mozambique (TVM) continued to demonstrate strong bias towards the Government. Portuguese Television for Africa (RTP Africa), a station owned by the Government of Portugal, offered a second source of televised news to all parts of the country reached by TVM. Privately owned television transmission continued to be limited to Maputo. International television news was available via cable in Maputo and via satellite nationwide.

While criticism of the President was not prohibited, the law provides that in cases of defamation against the President, truth is not a sufficient defense against libel. This law was not tested in court and the provision was not invoked, despite considerable verbal and written criticism of the President during the year.

There were no developments in the 2001 case where Nhypine Chissano, President Chissano's son, filed libel charges against the fax newssheet Metical, effectively forcing its closure.

Unlike in the previous year, there were no reports that police detained journalists.

Unlike in the previous year, there were no reports that journalists were attacked.

Unknown persons continued to threaten journalists (see Section 2.a.).

There were no developments in the April 2001 beating of journalist Rui de Carvalho or the November 2001 theft from Fabio Mondlane.

No action was taken, nor was any likely to be taken, against the persons responsible for the April 2001 anonymous death threat against Radio Mozambique journalist Jose Joao.

No action was taken against the persons responsible for the following incidents in 2000: The attack on a radio journalist by unknown assailants in Beira; the beating of a radio journalist by unknown persons near Maputo; the anonymous bomb threat received by the news fax agency Mediacoop; and the telephone death threat received by the editor of the newspaper Savana. There was no significant investigation, nor is any likely, into these cases.

In 2000 two unknown assailants killed Carlos Cardoso, an investigative journalist who was the founder and editor of the news fax agency Metical, in an execution-style shooting. In the early months of the year, the Government detained 10 individuals in connection with the case. One detainee was released without charge after being held for 10 months. Both the Government and the family agreed that he had nothing to do with the crime. In September the judge presiding over the case ordered six of the defendants to be brought to trial on charges of homicide and accessories to homicide. In November five of the defendants were brought to trial. Although the trial was being held on the grounds of the maximum security prison, it was open to the public and broadcast on television, and it was ongoing at year's end.

A large number of periodicals and broadcasting entities have been licensed since 1992, and the independent media criticisms of government leaders and their families largely were tolerated.

Article 19, a British NGO, and the LDH monitored media coverage of the national electoral campaign. Radio Mozambique generally presented balanced coverage, whereas TVM was biased towards the ruling party. The newspapers Noticias, Diario de Mocambique, and Domingo demonstrated progovernment partisanship. The National Election Commission was criticized for categorizing these newspapers as private sector media, thereby exempting them from the electoral law's requirement that public media provide fair and balanced treatment of all parties during the electoral campaign.

UNESCO has expressed concern about the strong concentration of national and local media in Maputo city and province, mirroring lopsided socioeconomic development nationwide. Furthermore a 1997 census revealed that 60 percent of citizens over the age of 15 were illiterate in any language, and 70 percent of the population over 5 years of age did not speak Portuguese, which further limited the reach of the media beyond Maputo.

The Prime Minister's ongoing weekly press conferences were important opportunities for journalists to discuss politics and government policies. The Prime Minister's Information Office sought to facilitate international press access to key government officials and to provide policy guidance on how news media should be regulated. The Prime Minister's Information Office continued to monitor press content informally.

The Government did not limit access to the Internet, and 10 Internet service providers operated during the year.

The Government did not restrict academic freedom. Private educational institutions, both church-related and secular, were well established and continued to expand in several cities.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the law was amended in April 2001 to remove restrictions on this right; however, authorities forcibly dispersed at least one demonstration during the year. The law regulates public demonstrations but does not apply to private gatherings held indoors and by individual invitation, nor does it affect religious gatherings or election campaigning.

In April 2001, the National Assembly amended the law on demonstrations. The new law removed restrictions on the times during which marches, parades, and processions were allowed, removed the prohibition on demonstrations likely to offend the honor of the Head of State or other government officials, and removed the right of local authorities to disrupt demonstrations whose objectives they deemed to be different from those initially stated. In addition, the new law simplified the approval process for demonstrations. Organizers simply were required to inform the district administrator of the planned demonstration rather than seek approval in advance from police and civil authorities. Local authorities may prohibit a demonstration from taking place only if it was likely to involve the occupation of public or private buildings. The new law prohibited the use of excessive force by the police to control or disrupt demonstrations; however, the Government used excessive force to disperse one demonstration during the year.

On May 1, a group of citizens who had worked in the former East Germany demonstrated at a rally held by President Chissano and reportedly shouted insults at him. Several hours after the incident with the President, the Rapid Intervention Police forcibly dispersed these demonstrators. One of these workers, Mario Vitorino, was taken into police custody and detained for 4 months. No charges were brought against him, and he later was released on the condition that he not leave Maputo.

In December 2001, riot police forcibly dispersed a demonstration and injured two citizens who had worked in the former East Germany. The demonstrators were protesting the Government's refusal to pay their pensions. Funds for such payment had been deducted from their salaries by the East German government that then provided them to a Mozambican government representative, who then embezzled the money. The police justified their actions on the basis that the demonstrators were violating the law by protesting on a weekday, and that their request for a permit for the demonstration had been denied; however, the law was repealed in July 2001 to remove both the time restriction and the requirement for prior authorization. The National Assembly discussed the demonstrations and the demonstrators' complaints in March; however, no action was taken. On September 20, the National Assembly decided that the issue was too complex and that it was necessary to consult with the German Government; they suspended debate on the issue.

The Government continued to defend police actions in breaking up nationwide RENAMO demonstrations in 2000 as legal, stating that RENAMO had violated the time period allowed for such activities, a claim that was supported by several provincial courts. RENAMO continued to argue that it had filed for and received necessary permission.

The law provides for freedom of association; however, both the Government and the law imposed some limits on this right. Legislation sets forth the process for the registration of political parties. There are 34 registered, active political parties. A political party is required to demonstrate that it has no regional, racial, ethnic, or religious exclusiveness and must secure at least 2,000 signatures of citizens to be recognized (see Section 2.c.).

The Government required nonpolitical groups such as NGOs and religious organizations to register. A government decree regulates the registration and activities of foreign NGOs. Foreign NGOs must register their presence and scope of work with the Ministry of Foreign Affairs and Cooperation; the Ministry then issues permits to those NGOs whose programs the Government decided complement its priorities. Observers believed that the requirements worsened the already lengthy bureaucratic process that NGOs must follow to work in the country. Although the registration process was not always transparent and could take many months, the authorities rarely rejected applications from new associations.

c. Freedom of Religion

The Constitution provides that all citizens have the freedom to practice or not to practice a religion and gives religious denominations the right to pursue their religious aims freely; the Government generally respected these

rights in practice.

The law requires religious institutions and missionary organizations to register with the Ministry of Justice, reveal their principal source of funds, and provide the names of at least 500 followers in good standing. The Christian Council reported that not all religious groups register, but unregistered groups worshiped unhindered by the Government.

The law governing political parties specifically forbids religious parties from organizing, and any party from sponsoring religious propaganda. The Independent Party of Mozambique (PIMO), a predominantly Muslim group without representation in Parliament, has argued for the right of political parties to base their activities on religious principles. The Government has tolerated PIMO's activities, although it has criticized the group. PIMO and some members of the legislature argued that the Movimento Islamico, a parliamentary caucus of Muslims from the ruling FRELIMO party, was tantamount to a religious party.

Most places of worship nationalized by the Government have been returned to the respective religious organizations; however, the Catholic Church and certain Muslim communities complained that some other properties such as schools, health centers, and residences unjustly remained in state hands and continued to press for their return. The Directorate for Religious Affairs is mandated to address the issue of the return of church properties. Government sources stated that the majority of properties were returned, with a few cases still being examined on an individual basis, including two cases in Maputo that remained unresolved by year's end. Provincial governments have the final responsibility for establishing a process for property restoration. The return of church property is problematic when the facility is in use as a public school, health clinic, or police station, because funds for construction of new facilities are scarce.

After several decades of unsuccessful attempts to gain a building permit, the Islamic community constructed the Grand Mosque in downtown Maputo during the year. While services have started at the Mosque, there was no official opening by year's end. Previously the Government had refused to grant permission for mosques to be built in the center of major cities.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, at times the Government infringed upon these rights.

Police traffic checkpoints sometimes established for safety or security concerns occasionally affected freedom of movement. In an effort to reduce harassment and confiscation of travelers' possessions at the borders, customs supervisors levied disciplinary fines and fired abusive customs agents. In large cities, the police often stopped foreign pedestrians and ordered them to present original passports or resident papers, sometimes refused to accept notarized copies, and fined or detained those who failed to show proper documents (most persons do not carry the originals of documents due to the risk of theft). Police also detained local citizens routinely for failure to carry identity papers and extorted bribes (see Section 1.d.).

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In cooperation with the U.N. High Commissioner for Refugees (UNHCR), the Government offered shelter to refugees, the vast majority of whom came from other African countries. There was a reported increase in refugees in the country; between June and November 2001, the number of refugees in the country increased from 3,000 to an estimated 4,500. There were approximately 1,450 refugees in the Bobole camp near Maputo, 1,433 in the northern provincial capital of Nampula, and 200 in Lichinga. The largest percentage of refugees was from the Democratic Republic of the Congo (DRC), Burundi, and Rwanda, and there were small numbers of refugees from Angola, Sudan, Somalia, Ethiopia, Kenya, Zimbabwe, and Uganda. The UNHCR had planned to phase out its operations in the country by the end of 2000; however, the increasing number of refugees, especially from the Great Lakes region of Africa, prevented this from happening. In June 2001, the Government opened a new refugee center near the northern provincial capital of Nampula and had planned to transfer refugees residing in Bobole to the new center by the end of 2001; however, by mid-2001 the new camp already was filled to capacity, which resulted in a delay in transferring refugees from Bobole. The transfer of refugees from Bobole began at the end of the year, and once the transfer is completed, Bobole camp was expected to be closed. Refugee camp conditions met minimal standards, although some refugees claimed to fear attack by fellow refugees on the basis of ethnicity. The UNHCR occasionally made alternative shelter available to those who felt threatened. The Government offered first asylum and provided it to 1,788 refugees during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and in 1999 citizens freely exercised their right to vote in the country's second multiparty general elections, which international observers considered to be generally free and fair. The elections were marred by allegations of vote-counting irregularities; however, international observers determined that this did not impact the results. President Chissano was returned to office with approximately 52 percent of the vote, and the ruling FRELIMO party won 133 of the 250 assembly seats. The largest opposition group, RENAMO-UE, made a strong showing in the elections, winning 117 seats in the Assembly and 48 percent of the presidential vote. In 2000 the President appointed a new Cabinet, the new National Assembly took its oath of office, and the President announced new provincial governors. All ministers and governors, and most vice ministers, are FRELIMO members.

According to international and domestic observers, the voting process was transparent, peaceful, and orderly with approximately 75 percent of the registered voters participating; however, international and domestic observers complained of a lack of full access to the vote count, and the opposition coalition RENAMO-UE charged that there was fraud in the vote-counting process. Due to a large number of illiterate voters, there were a significant number of ballots on which preferences were unclear and which required interpretation by the National Electoral Commission. The Commission also did not count tally sheets from several hundred polling stations at both the provincial or national level due to mathematical errors, omissions, and other problems.

International observers were not given full access to the process of examining the contested ballots and tally sheets, or to the vote counting. RENAMO-UE charged that this affected them disproportionately because tally sheets were discarded from provinces where RENAMO-UE support was strong. RENAMO-UE took this issue and several others to the Supreme Court, and in 2000 the Court unanimously rejected RENAMO-UE's complaints; the Court acknowledged that there were some minor irregularities but concluded that these did not change the results of the elections.

The opposition coalition continued to refuse to accept the election results or the Supreme Court's decision; however, the coalition participated in Parliament and worked with FRELIMO on a number of ad hoc and standing committees to draft and approve consensus legislation. Direct dialog between President Chissano and RENAMO leader Dhlakama took place in December 2000, January 2001, and March 2001. In March 2001, Dhlakama withdrew from the discussions, citing a lack of progress, and canceled his party's participation in bipartisan working groups on constitutional, judicial, defense, security, economic, civil service, and local government matters, as well as on the 2000 RENAMO demonstrations.

Article 19 and the LDH monitored media coverage of the national electoral campaign. The National Election Commission was criticized for categorizing newspapers in which state-owned enterprises and FRELIMO party members hold majority shares as private sector media, thereby exempting them from the electoral law's requirement that public media provide fair and balanced treatment of all parties during the electoral campaign (see Section 2.a.).

There were 102 women in the 250-member National Assembly (two died during the year), and there were 3 female ministers and 5 female vice ministers in the Cabinet. FRELIMO's policy mandated that at least 30 percent of the party's two governing bodies must be women. During the year, the Political Commission and Central Committee fulfilled this mandate. Nevertheless cultural factors inhibited women's effectiveness in public life (see Section 5).

Persons representing many ethnic groups participated in the executive, judicial, and legislative branches of the Government. Leadership positions within FRELIMO traditionally have been dominated by the Shangaan ethnic group, while those in RENAMO traditionally have been dominated by the Ndaou ethnic group.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no legal obstacles to the formation of domestic human rights groups, although registration procedures for NGOs were onerous and expensive (see Section 2.b.). While the Government did cooperate with NGOs, many NGOs believed that the Government was slow to respond to their requests for information and prison visits (see Section 1.c.). The Government responded to human rights-related inquiries from the LDH and the DHD on a case-by-case basis. During the year, the Government did not respond formally to the LDH and DHD reports on the 2000 nationwide demonstrations and Montepuez deaths in custody (see Sections 1.a., 1.c., 1.d., 1.e., and 2.b.).

In 2000 the DHD published a second report on human rights in the country and planned to continue to report regularly on human rights. The report's critical assessment gave particular emphasis to problems in the judiciary, conditions in prisons, freedom of the press, and arbitrary arrest and detention of citizens. Among the complaints were alleged police killings, domestic violence, labor disputes, and land title conflicts. The 2002 report had not been made public by year's end. The DHD and the LDH conducted human rights education seminars and workshops during the year for a wide range of audiences including political parties, security agencies, businesses, and NGOs.

International NGOs and human rights groups were permitted to visit and work in the country.

The Government permitted visits by U.N. representatives; however, no human rights-oriented representatives visited the country during the year.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution forbids discrimination based on race, sex, or disability; however, in practice discrimination against women and persons with disabilities persisted.

Women

Although official statistics were not kept, according to health officials, women's groups, and other sources, domestic violence against women--particularly spousal rape and beating--was widespread. Many women believed that their spouses had the right to beat them, and cultural pressures discouraged women from taking legal action against abusive spouses. There is no law that defines domestic violence as a crime; however, laws prohibiting rape, battery, and assault can be used to prosecute domestic violence. During the year, All Against Violence (TCV), an NGO, registered 893 cases of domestic violence, and 16 of these cases were prosecuted. A group of women's NGOs lobbied members of the National Assembly during the year to criminalize domestic violence. In addition, the Government worked within the Southern African Development Community (SADC) to increase female participation in legislatures. Hospitals usually did not attribute evidence of physical abuse to domestic violence.

A group of women's NGOs, including Women in Law and Development, Mozambican Women in Education, Women in Judicial Careers, and the FRELIMO-sponsored Mozambican Women's Organization, support the organization TCV, which serves as a monitoring and educational group for problems of domestic violence and sexual abuse of women and children, including counseling of victims and mediating within families. The organization continued to expand during the year. All NGOs actively opposing domestic violence worked to involve police in education, enforcement, and identifying domestic violence as a criminal problem.

Local NGOs reported that rape was a widespread and serious problem. Sexual harassment was regarded as pervasive in business, government, and education, although no formal data existed. Prostitution was widespread in most cities and towns and especially was prevalent along major transportation corridors and border towns where long-distance truckers stayed overnight.

Despite constitutional provisions for the equality of men and women in all aspects of political, economic, social, and cultural life, the civil and commercial legal codes contradict one another and the Constitution. Under the law of the Family and Inheritance, the husband or father is the head of household, and both wives and daughters must obtain male approval for all legal undertakings. For example, a woman must have the written approval of her husband, father, or closest male relative in order to start a business. Without such approval, a woman cannot lease property, obtain a loan, or contract for goods and services. The legal domicile of a married woman is her husband's house, and she may work outside the home only with the express consent of her husband. While it appeared that these legal restrictions on women's freedom were not enforced, they left women open to extortion and other pressures.

Family law provides that a married couple's assets belong to the husband, who has full authority to decide on their disposition. When a husband dies, his widow is only fourth in line (after sons, father, and brothers) to inherit the household goods. A contradictory provision of the law states that a widow is entitled to one-half of those goods that are acquired during the marriage, but in practice women rarely knew of or demanded this right.

Customary law varied within the country. In some places, it appeared to provide women less protection than family law, and unless a marriage is registered, a woman has no recourse to the judicial branch for enforcement of the rights provided her by the civil codes. Women were the primary cultivators of family land in the country. Under customary law, they often have no rights to the disposition of the land. The law specifically permits women to exercise rights over community land held through customary rights. Anecdotal evidence indicated that the land law

had only a minimal effect on women's rights; the law appeared to formalize existing practice. However, domestic NGOs such as the Rural Women's Development Association and Rural Mutual Assistance Association have cautioned that much time and education would be necessary before the new rights granted to women would supersede traditional practice.

The Constitution grants citizenship to the foreign-born wife of a male citizen, but not to the foreign-born husband of a female citizen.

Women continued to experience economic discrimination in practice. Women constituted slightly more than half the population but were responsible for two-thirds of economic production. Women in the workplace received lower pay than men for the same work. According to parliamentarians who debated the proposed revision of the law, women were subject to sexual harassment and to discrimination in hiring because of potential absences on maternity leave; although the Labor Law entitles a woman to 60 days of maternity leave, employers often violated this right.

The Government continued to target maternal and child health problems and focused on immunizations for women of childbearing age and for young children. The estimated maternal mortality rate was 1,100 per 100,000, a significant improvement over 2001. Numerous development organizations and health-oriented NGOs also emphasized programs to improve women's health and increasingly focused resources on combating the spread of HIV/AIDS and sexually transmitted diseases.

The law permits the entry of women into the military; however, there were few women in the armed forces, and the highest ranking woman in the army was a major. In 2000 the military began to recruit women for the first time since the institution of the compulsory service law, and of the 93 women registered, 20 to 30 were selected to undergo military training. However, due to a lack of facilities to accommodate male and female training, the female recruits did not receive military training by year's end and are unlikely to do so in the near future.

Children

The Government has made children's rights and welfare a priority, but admitted that there were some significant problems. Primary education was free; however, a matriculation fee was charged for each child, which was a significant financial burden for many families, and children were required to purchase books and school supplies. Primary education was compulsory through the fifth year; however, there were few educational facilities, which limited enrollment. A few new primary schools opened during the year throughout the country; however, schools were overcrowded, and there was much corruption in the school system. Newspapers frequently reported that the parents of school children had to bribe teachers or officials to enroll their children in school, and that girls exchanged or were forced to exchange sex with teachers for passing grades. The 1997 census estimated that approximately 50 percent of children ages 6 through 10 were in primary school; however, only a fraction of children continued with secondary studies.

Girls continued to have less access to education than boys above the primary level: 42 percent of students in grades 1 through 5 were girls, and 40 percent of students in grades 6 through 10 were girls. The percentage increased to 48 percent for grades 11 and 12. However, there were only 105 public secondary schools nationwide, of which only 23 offered classes through grade 12. Approximately 76 percent of females over 15 years of age were illiterate. Outside the main cities where there were fewer secondary schools, and where boarding was required for attendance, the number of female students dropped significantly. Unlike in previous years, there were no reports that girls were forcibly expelled from school dormitories.

An NGO, the Association to Support Mozambican Children (ASEM), operated 2 alternative-learning centers in Beira for more than 900 children who were not able to return to their regular schools after being expelled from their homes or because they had left school to work.

During the year, the Government continued a vaccine initiative and a program to manage childhood illnesses. It was estimated that 55 percent of child deaths in the country resulted from malnutrition or related illnesses.

Due largely to the work of some 10 NGOs concerned with helping street children in 2001, the number of street children was estimated to be approximately 400 in the Maputo metropolitan area, compared with 3,000 in previous years. Street children sometimes were beaten by police and frequently were victims of sexual abuse. Some remedial government programs continued, including programs on education, information dissemination, health care, and family reunification. The mortality rate for infants was 126 per 1,000, and for children under the age of 5 it was 201 per 1,000. The Maputo City Women and Social Action Coordination Office continued its program of

rescuing abandoned orphans and assisting single mothers who head families of three or more persons. The same group offered special classes to children of broken homes in local schools. Other NGO groups sponsored food, shelter, and education programs in all major cities. ASEM, in Beira, also provided counseling to parents who had expelled children from their homes, which usually happened when a wife has children who were unacceptable to a new husband.

Child prostitution remained a problem (see Section 6.f.).

There were reports that children in rural areas were used to settle financial and other disputes (see Sections 6.c. and 6.f.). Families delegated the children to work for limited periods of time to settle debts.

Persons with Disabilities

The Constitution states that "disabled citizens shall enjoy fully the rights" that it provides for; however, the Government provided few resources to implement this provision. Representatives of disabled groups and injured veterans frequently protested that societal discrimination continues against persons with disabilities. Approximately 1.9 percent of citizens have physical or mental disabilities.

The Government only provided four schools nationwide for the hearing and vision impaired and for persons with physical and mental disabilities. There were few job opportunities for persons with disabilities in the formal sector, although the 1997 census reported that 55 percent of such persons worked or held a job.

Social workers found that some parents of children with disabilities in several districts, including the towns of Gorongosa and Dondo, did not permit their children to leave their homes. Provincial Ministry of Women and Coordination of Social Action officials continued their educational campaign to reverse traditional attitudes toward children with disabilities.

The Government continued to rely on NGOs to assist persons with disabilities. The Association of Disabled Mozambicans (ADEMO) addressed social and economic needs of persons with disabilities. ADEMO's effectiveness during the year was hindered by internal conflicts. Smaller NGOs also have formed, including the Association of Handicapped Military and Paramilitary Mozambicans, the Association of Blind and Visually Impaired Mozambicans (ACDVM), the Association of Mozambican Disabled Soldiers (ADEMIMO), the Association of Deaf Mozambicans (ASUMO), the Association of Demobilized War Veterans (AMODEC), and the Association of Disabled Divorced Women (AMODD).

Concerns of persons with disabilities included access to socioeconomic opportunities and employment, accessibility to buildings and transportation, and a lack of wheelchairs. The only provisions that the Government has enacted for accessibility to buildings and transportation for persons with disabilities were in the electoral law governing the country's first multiparty elections, which addressed the needs of voters with disabilities in the polling booths. Special access facilities were rare.

National/Racial/Ethnic Minorities

There was no systematic mistreatment or discrimination on the basis of race or ethnicity; however, the FRELIMO Government traditionally has included at all levels a large number of southerners, mostly from the Shangaan ethnic group, which has engendered complaints from residents of other parts of the country. There also were complaints that the Government favored economic development in the southern part of the country over other areas. The Government has taken several steps to address such concerns; the central and northern provinces have been included in the Government's 5-year development plan, economic and social plan, poverty alleviation strategy, and investment incentive program. In addition, the President, Prime Minister, and Cabinet members continued to spend a significant amount of time in the provinces during the year. The executive, judicial, and legislative branches included officials from central and northern parts of the country in senior positions.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides that all workers are free to join or refrain from joining a trade union, and workers enjoyed these rights in practice. The revised Labor Law regulated labor relations. It expressly prohibits discrimination against organized labor. Trade unions remained concerned that large-scale layoffs due to privatization and free

trade zones created under the revised law would result in less favorable labor rights due to government incentives offered to foreign investors. The percentage of workers belonging to labor unions was very small; it was estimated to be less than 1 percent. The majority of union members were in the larger cities where industries were located.

There were two trade union federations in the country: The Organization of Mozambican Workers (OTM), which formerly was affiliated with the FRELIMO party, and the Confederation of Free and Independent Unions of Mozambique (CONSILMO), which was formed by three unions that broke away from the OTM. CONSILMO was permitted to participate in national negotiations on the minimum wage with the Consultative Labor Commission, a body including representatives from labor, private employers, and Government. CONSILMO maintained a working relationship with the OTM, and includes the powerful 28,000-member Union of Industrial Construction Workers of Mozambique (SINTICIM) construction trades union, an early promoter of the rights of female workers. In August 2001, civil servants formed a new union, the Public Servants Union (SFP), which was recognized by the Ministry of Justice. However, the union could not operate because the law did not yet provide for its existence. The union formed an ad hoc committee, which worked with the Government to produce the legislation governing its existence and operation. There were an estimated 100,000 civil servants, making this potentially the largest union in the country.

The OTM has declared itself free of commitments to any political party, companies, or religious groups, and its regulations prohibited persons holding high ranks within any political party from simultaneously holding top positions in the trade union; however, other labor unions maintained that the OTM is not independent of FRELIMO. During the year, Soares Nhaca, a former OTM President, was named Governor of Manica Province by the Government.

The Constitution and labor legislation give unions the right to join and participate in international bodies. The OTM was a member of the Organization of African Trade Union Unity and the Southern African Trade Union Coordinating Council.

b. The Right to Organize and Bargain Collectively

The law protects the right of workers to organize and engage in collective bargaining. On February 5, the Center for Arbitration, Conciliation, and Mediation officially opened, and its purpose is to help settle business-to-business problems through arbitration. The Government did not set private sector salaries; existing unions were responsible for negotiating wage increases. The Consultative Commission on Labor met periodically to negotiate changes in the minimum wage.

The Constitution explicitly provides for the right to strike, with the exception of civil servants, police, military personnel, and other essential services (which include sanitation, fire fighting, air traffic control, health care, water, electricity, fuel, post office, telecommunications, and funeral services). The ILO has cited the Government's definition of essential services as overly broad, noting that only public servants engaged in the administration of the State should be excluded. The law specifies that strikers must notify police, the Government, union, and employers 48 hours in advance of intended strikes.

During the year, there were number of work actions. One strike occurred at MABOR, a company that exported agricultural tires. Company executives indicated that this work action could result in the permanent closure of the plant and the loss of 500 jobs. There appeared to be a trend toward work actions and strikes in the country.

In October 2001, two-thirds of the operators and maintenance workers at the MOZAL aluminum plant in Matola engaged in a walk-out, seeking to reopen negotiations for wages and benefits for their contract. After 3 weeks, the majority of workers returned to work; however, 40 were fired and disciplinary actions were applied to those who left work without permission. Those workers who were dismissed were paid an indemnity during the year.

In 2000 the OTM and other unions threatened a general strike following a lack of progress in resetting the minimum wage level in tripartite negotiations involving the unions, the Government, and employers' organizations (see Section 6.e.). After negotiations came to a standstill, the Council of Ministers implemented a minimum wage increase of 26 percent in 2000 and agreed to an additional 4 percent increase, which was implemented in May 2001, as part of another 17 percent minimum wage increase. In May the minimum wage increase was 18 percent.

Provisions of the Labor Law forbid retribution against strikers, the hiring of substitute workers, and lockouts by employers. Specific labor disputes generally were arbitrated through special workers' committees, formally recognized by the Government.

The law provides for the creation of export processing zones (EPZs), and the Government was authorized to confer EPZ benefits to any export-oriented company that met the criteria. There was an EPZ in Maputo and one in Beira. Workers in EPZs were subject to the same labor regulations as other workers, and worker rights were respected in practice.

c. Prohibition of Forced or Bonded Labor

The Government prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred in the formal economy; however, children in rural areas were used as labor to settle financial and other disputes, with their families delegating the children to work for limited periods of time to settle debts (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor is regulated by the labor law. In the wage economy, the working age without restrictions is 18 years of age. The labor law permits children between the ages of 15 and 18 to work subject to certain restrictions. Children between the ages of 12 and 15 are permitted to work under special conditions authorized jointly by the Ministries of Labor, Health, and Education. For children between 15 and 18 years of age, the employer is required to provide for their education and professional training and to ensure conditions of work that are not damaging to their physical and moral development. For minors under 18 years, the maximum workweek is 38 hours, and the maximum workday is 7 hours. Minors under 18 years of age are not permitted to work in unhealthy or dangerous occupations or those requiring significant physical effort. Children must undergo a medical examination before beginning work. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher. The Ministry of Labor is authorized to regulate child labor in both the informal and formal sectors.

Child labor remained a problem in the country, especially in rural areas where children sometimes worked alongside their parents or independently in seasonal harvests or commercial plantations. Employers normally paid children on a piecework basis for such work, which principally involved picking cotton or tea leaves.

Because of high adult unemployment in the formal sector, estimated at around 50 percent, few children were employed in regular wage positions; however, children, including those under the age of 15, commonly worked on family farms or in the urban informal sector, where they performed such tasks as "guarding" cars, collecting scrap metal, working as vendors, and selling trinkets and food in the streets. Regulations on the informal labor sector were not enforced. Children also were employed in domestic positions and the number appeared to be rising.

Children orphaned by HIV/AIDS often were forced to work because they were left without any adult family members or with only extended family members who were unable to support them.

Violations of child labor provisions were punishable with fines. Persons engaged in child prostitution, use of children for illicit activities, child pornography, child trafficking, or forced or bonded labor may be punished by prison sentences and fines; however, perpetrators of these crimes rarely were identified and prosecuted. Punishments for such crimes were not commensurate with that of a serious crime. Labor inspectors were authorized to obtain court orders and use police to enforce compliance with child labor provisions.

Enforcement remedies generally were adequate in the formal sectors but remained inadequate in the regulation of informal child labor. The Labor Inspectorate and police force lacked adequate staff, funds, and training to investigate child labor cases, especially in areas outside of the capital. The Government provided training for police on child prostitution and abuse (including pornography); however, there was no specialized child labor training for the Labor Inspectorate. The Government has disseminated information and provided education about the dangers of child labor.

The Government had not ratified the ILO Convention 182 on the worst form of child labor by year's end. In July 2001, the Ministry of Labor and UNICEF jointly held a conference on child labor and designed an action plan to address the worst forms of child labor through prevention, protection, and rehabilitation; however, no significant actions were taken on the action plan by year's end.

Forced child labor was a problem (see Section 6.c.).

e. Acceptable Conditions of Work

The industrial minimum wage of approximately \$34 (812,163 meticaïs) per month was set by ministerial decree, although the level was recommended through an administrative process that consisted of a tripartite commission composed of labor unions, government representatives, and employer groups. There also was an agricultural minimum wage of approximately \$24 (560,310 meticaïs) per month, which was established through the same tripartite process. Neither minimum wage was considered sufficient to provide a decent standard of living for an average worker and family, and many workers turned to a second job, if available, maintained their own gardens, or depended on the income of other family members to survive. Only a small percentage of laborers worked at the minimum wage level. Less than 10 percent of workers were in salaried positions, and the majority of the labor force was employed in subsistence farming and the informal sector. Although the industrial sector frequently paid above minimum wage, there was little industry outside of the Maputo area. In May the Government increased both minimum wages by 18 percent following tripartite negotiations between the Government, employers, and labor unions.

The Ministry of Labor was responsible for enforcing the minimum wage rates in the private sector, and the Ministry of Planning and Finance in the public sector. Violations of minimum wage rates usually were investigated only after workers registered a complaint. It was customary for workers to receive benefits such as transportation and food in addition to wages. There was an obligation for workers or employers to participate in a social security scheme, although they voluntarily may create and contribute to private accounts or plans with the National Institute of Social Security to cover retirement, unemployment compensation, and emergency benefits. Worker complaints about employers deducting social security contributions from wages but failing to pay them into accounts and lack of access to the Social Security system increased during the year.

During the year, many workers were unable to claim unemployment benefits. Workers who previously had worked in East Germany had requested sums that were set aside from their wages to serve as pensions at a later date. The East German government had provided these funds to a Mozambican civil servant who later was accused of embezzling the money. The Government promised to reimburse the workers, but according to many of the workers, the amounts the Government offered did not represent the amount of the funds stolen from their accounts. Throughout the year, hundreds of persons who had worked in East Germany held demonstrations in front of the Ministry of Labor and the Parliament, and in May police forcibly dispersed demonstrators after they attempted to hand the President a formal letter of complaint (see Section 2.b.). The Ministry of Planning and Finance and the Ministry of Labor paid the former workers and continued to discuss the situation with those still unhappy with the amounts being offered.

The standard legal workweek is 40 hours.

In the small formal sector, the Government has enacted health and environmental laws to protect workers; however, the Ministry of Labor enforced these laws ineffectively, and the Government only occasionally closed firms for noncompliance. The Labor Ministry estimated that there were 97 industrial accidents during the year, with 8 causing permanent incapacity and 3 resulting in death. Most of these accidents were blamed on unsafe practices or the lack of safety equipment. There continued to be significant violations of labor legislation in many companies and services. Workers have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment, although this right was restricted in practice by threats of dismissal and peer pressure. Foreign workers are protected under the law.

f. Trafficking in Persons

There are no specific laws that prohibit trafficking in persons, and there were reports of trafficking in persons. Trafficking can be addressed under labor, immigration, and child welfare laws.

The law does not provide specifically an age of sexual consent; however, offering or procuring of prostitution and pornography of any form, including that of children, were illegal under the Penal Code. Sexual abuse of a child under 16 also was illegal under the Penal Code. Exploitation of children below the age of 15 continued, and child prostitution remained a problem. However, authorities in several provinces took steps to combat child prostitution. Child prostitution appeared to be most prevalent in Maputo and Beira, and at border towns and overnight stopping points along key transportation routes. There was no evidence that it exists in other rural areas. Child prostitution reportedly was growing in the Maputo, Beira, and Nacala areas, which have highly mobile populations and a large number of transport workers. According to the Child Network, a domestic NGO, some members of the U.N. peacekeeping force that was in the country between 1992 and 1994 may have initiated child prostitution in Manica Province. In addition, many child prostitutes have been infected with HIV/AIDS.

In Sofala province, where child prostitution existed along the Beira development corridor (frequented by truck

drivers and businessmen), the Government operated information centers in affected areas to provide information to families and friends of children who were raped and exploited, and counseled them on how to deal with the police, public prosecutors, and judges. To address child prostitution, a 1999 law prohibits the access of minors to bars and clubs; however, the Government did not have adequate resources to enforce the law effectively. In 2000 the Ministry of Women and Coordination of Social Action launched a campaign against the sexual exploitation of children and was working to educate hotels about the problem of child prostitution. The UNDP assisted the Government with training police to aid child prostitutes; however, there was a lack of accommodation centers, and the Government was unable to offer safe shelter to child prostitutes when they were removed from danger.

Unlike in the previous year, there were no reports that children were trafficked to South Africa and Swaziland for prostitution.

Many citizens working illegally in South Africa and Swaziland were subject to abuses there. Children's advocates reported that there were indications that a small number of children were trafficked to South Africa and Swaziland for prostitution; however, there were no confirmed cases during the year.

Unlike in previous years, there were no reports that women were lured into South Africa by international organized crime syndicates with the promise of jobs and decent wages, and then forced to work as prostitutes.

The LDH investigated a case of a 17-year-old girl kidnaped by her neighbors in late 2000 and taken to South Africa for unknown purposes. She was held for 2 months in the Johannesburg area, and may have been abused sexually. The girl was freed by police; the perpetrators were held briefly then released due to lack of enough evidence to prosecute.

The Government has not devoted resources to combat trafficking, and there was no specific protection offered by either the Government or NGOs for trafficking victims. The Government did not take any specific actions to combat trafficking during the year.